

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action May 11, 2009.

Claims 1-11 are currently pending in the application, with claim 11 having been newly added.

Figures 1 and 2 and 6a and 6b have been amended to indicate that they are prior art and they are submitted herewith in replacement drawing sheets which have been marked as such.

Claims 1, 4, 5, and 8 were rejected under 35 USC 102(b) as being anticipated by Suzuki (US Patent No. 5,963,873). Claims 2-3, 6-7 and 9-10 were rejected under 35 USC 103(a) as being unpatentable over Suzuki in view of Sharaishi et al. (US2003/0094685).

In support of the rejections, the Examiner cited Figure 1 (elements 2, 5, 10a-d), Figure 2 (elements 11a-f) and Figure 3 and with reference to col. 3, lines 50-67 of the primary Suzuki reference. Although the Examiner cited the various elements of modulating and demodulating sections and their parallel connection as well as the baseboard main signal interface circuit in the Suzuki reference, the Examiner glossed over the requirement of sole independent claim 1 of the modulating and demodulating section being provided **on an upper portion of a shared unit**. This is a physical placement requirement which permits downsizing of the unit while enabling heat dissipation without the necessity of a duct (see present specification at paragraphs [0007], [0009] and [0010]). To clarify this nature of the claims, claim 11 has been added to specify that the “two modulation and demodulation units are provided in parallel and **are configured for heat dissipation by being physically situated on an upper portion of a shared unit** having a baseband main signal interface circuit.” This configuration is also illustrated in Figure 3 of the present application wherein the two modulation and demodulation units 2 and 3 are paired in parallel above (on an upper portion) the shared unit 1.

With respect to the rejection of independent claim 1, The Examiner has cited Figure 2 of the Suzuki reference as showing (physical arrangement) units 11a-11f as being arranged between cases 12 and 13 on rack 14 with the cases “provided as equipment common to the lines” and concluded that this discloses and anticipates the presently claimed invention by disclosing a plurality of units in parallel each comprising a modulating and demodulating section on an upper portion of a shared unit (element 12) having a baseband main signal interface circuit.

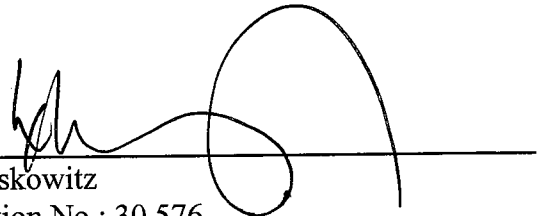
This conclusion is, however, contradicted by the very disclosure of Suzuki cited by the Examiner. The units 11a-11f are shown in Figure 3 with **each unit** having a modulating section 22, a demodulating section 25 **and** a base band processing section 21. Suzuki discloses no “shared unit having a baseband main signal interface circuit” since each unit 11a-11f has its own baseband processing section. Cases 12 and 13, though they “are provided as equipment common to the lines”, have no baseband main signal interface circuit as part of the shared unit, as required by the claims. This is clearly evident from Figures 4-6 of Suzuki, which shows no baseband main signal interface circuit in case 12 (case 13 is actually physically above the units 11a-11f and cannot meet the claim requirements for that reason as well) but only switching elements and the like. Accordingly, Suzuki does not anticipate the presently claimed invention and actually teaches away from it by disclosing non-shared base band processing sections in each of the units 11a-11f having the modulating and demodulating sections. Accordingly, claims 1, 4, 5 and 8 are not anticipated by the Suzuki reference and claims 2-3, 6-7 and 9-10 are patentable even over the combination of Suzuki in view of Sharaishi et al.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Max Moskowitz', is written over a horizontal line. The signature is stylized with a large loop at the end.

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